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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,800	12/09/2000	William S. Rickards III		2577

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EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/733,800	Applicant(s) RICKARDS ET AL.	
	Examiner John Chavis	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 62-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 62-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. The applicant, in claim 62, claims a memory that is "able to store...", which is not considered to store anything. It merely requires that the memory is capable of performing the function. Therefore, it is considered that any memory is capable of storing various types of data (including addresses). He further indicates that input means "can be used to store data in memory..." Again, all input means "can" be used to transfer data to storage (store data); since, that is one of its purposes. Furthermore, the claim consists of merely one step (allowing a computer user to subdivide..." which inappropriately attempts to claim all present and future variations of the function including functions not taught by the applicant's specifications. Therefore, the claim is considered improper. Also, the applicant should note that the step of "allowing a computer user to subdivide..." merely means that the function is available (again capable of...). It does not mean that anything actually occurs. The dependent claims merely provides the ability to perform certain functions. Again, nothing is specifically done and therefore the dependent claims do not cure the problems with claim 62.
3. Claims 62-77 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, see the discussion above. The features appear to be merely non functional desired results which can be provided by any computer system.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 62-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Endo (5,974,392).

Claims
62. (New) In a computer with a memory that is able to store data at a series of addresses in said memory,

an input means that can be used to store data in said memory at said respective series of addresses,

an output device, which is operatively connected to said memory for presenting to an output space of at least one dimension said data stored in said memory at said series of addresses, the method of:

Endo
See fig. 2, items 4 and 7, which are "able to store data..."

See items 1 and 3 of fig. 2, which "can be used to store data..."

See item 2 of fig. 2 and see col. 1 lines 49-54.

allowing a computer user to ~~dynamically~~
~~and automatically~~ subdivide an object
into parts so that each part can be
Separately controlled.

63. (New) The method of Claim 62,
further comprising the ability to work
Simultaneously on the separately
Controlled parts, i.e., work in parallel.

64. (New) The method of Claim 62,
further comprising the ability to control
what is done with the separately
Controlled parts.

65. (New) The method of Claim 64,
further comprising the ability to
Divide the parts until further dividing is
No longer possible.

66. (New) The method of Claim 64,
further comprising the ability to
reconstitute...

67. (New) The method of Claim 64,
further comprising the ability to
associate a part to other parts or
objects.

68. (New) The method of Claim 64,
further comprising the ability to
associate an action to a part.

69. (New) The method of Claim 64,
further comprising the ability to
aggregate parts into a new object or
part that contains aggregate parts.

See the manager server unit of
the abstract. Also, see col. 1 lines
13-24 and col. 2 lines 50-63.
Furthermore, dividing implies
separate controls.

See again item 3 of fig. 2 and col.
5 line 43-col. 6 line 28. The
feature of checking a plurality of
checkpoints for each task
Implies simultaneous work in
parallel.

Note in the above references how
each task is specifically assigned
(separately controlled).

See col. 9 lines 57-63 and col. 12
lines 45-55. Also, it is not clear what
makes parts divided until further
Dividing is no longer possible.
therefore, this claim is further
rejected as its respective parent.

See items 12 and 14 of fig. 2.

See again items 12 and 14 of
Fig. 2.

" " " "

" " " "

70. (New) The method of Claim 64,
Further comprising the ability to
view a part.

See item 2 of fig. 2.

71. (New) The method of Claim 64,
further comprising the ability to
modify a part.

This is the essence of the
assigning feature above.

72. (New) The method of Claim 62,
further comprising the ability to
control who can work on a part.

" " " "

73. (New) The method of Claim 62,
further comprising the ability to
control when work can be
performed on a part.

" " " "

Also, note the priority
features taught by Endo.

74. (New) The method of Claim 62,
further comprising the ability to
control where work can be
performed.

" " " "

75 (New) The method of Claim 62,
further comprising the ability
to control how work can be
performed on a part.

" " " "

76. (New) The method of Claim 62,
further comprising the ability to
control work on a part based on
why the work must be performed.

" " " "

77. (New) The method of Claim 62,
further comprising the ability to
separately store parts.

" " " "

6. Claims 62-77 are rejected under 35 U.S.C. 102(e) as being anticipated by
Cohen (6,507,845).

Claims

Cohen

62. (New) In a computer with a memory that is able to store data at a series of addresses in said memory,

See fig. 1, item 28.

an input means that can be used to store data in said memory at said respective series of addresses,

See item 20.

an output device, which is operatively connected to said memory for presenting to an output space of at least one dimension said data stored in said memory at said series of addresses, the method of:

See items 14 and 34 of fig. 1.

allowing a computer user to dynamically and automatically subdivide an object into parts so that each part can be Separately controlled.

See col. 5 lines 11-16 and col. 3 lines 30-34. Furthermore, dividing implies separate controls. Also, see col. 2 lines 2-4.

63. (New) The method of Claim 62, further comprising the ability to work Simultaneously on the separately Controlled parts, i.e., work in parallel.

See col. 2 lines 61-63 and the document sharing feature of Col. 3 lines 11-14 and 43-46.

64. (New) The method of Claim 62, further comprising the ability to control what is done with the separately Controlled parts.

Note in the above references how each task is specifically assigned (separately controlled).

65. (New) The method of Claim 64, further comprising the ability to divide the parts until further dividing is No longer possible.

See the cited portions above. Also, it is not clear what makes parts divided until further Dividing is no longer possible. therefore, this claim is further rejected as its respective parent.

66. (New) The method of Claim 64, further comprising the ability to reconstitute...

See Cohen's claim 9.

67. (New) The method of Claim 64, further comprising the ability to associate a part to other parts or

See again the cited portions For claim 66.

objects.

68. (New) The method of Claim 64, further comprising the ability to associate an action to a part.

" " " "

69. (New) The method of Claim 64, further comprising the ability to aggregate parts into a new object or part that contains aggregate parts.

" " " "

70. (New) The method of Claim 64, Further comprising the ability to view a part.

See col. 7 lines 9-20.

71. (New) The method of Claim 64, further comprising the ability to modify a part.

" " " "

72. (New) The method of Claim 62, further comprising the ability to control who can work on a part.

See col. 8 line 62-col. 9 line 7 and claim 13.

73. (New) The method of Claim 62, further comprising the ability to control when work can be performed on a part.

" " " "

74. (New) The method of Claim 62, further comprising the ability to control where work can be performed.

" " " "

75 (New) The method of Claim 62, further comprising the ability to control how work can be performed on a part.

" " " "

76. (New) The method of Claim 62, further comprising the ability to control work on a part based on

" " " "

why the work must be performed.

77. (New) The method of Claim 62,
further comprising the ability to
separately store parts.

" " " "

7. Applicant's arguments with respect to claims 62-77 have been considered
but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection
presented in this Office action.

8. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to John Chavis whose telephone number is (703) 571-
3720. The examiner can normally be reached on M-Tue & Th-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Kakali Chaki can be reached on (703) 571-3719. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

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John Chavis

Primary Examiner AU-2193